

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JESSE FLORES,  
Plaintiff,

vs.

GILDARDO CHAVARIN and  
SILVERLINE TRANSPORTATION, LLC  
Defendants.

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CIVIL ACTION NO.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Silverline Transportation, Inc., Incorrectly identified as Silverline Transportation LLC and Defendant Gildardo Chavarin, files this Notice of Removal and makes the following “short and plain statement of the grounds for removal”:

**Procedural History**

1. Plaintiff filed his first Original Petition on May 20, 2020. Defendant Silverline Transportation Inc., Incorrectly identified as Silverline Transportation LLC, was served through its registered agent with a Citation and Service of Process in this action on May 27, 2020. Plaintiff filed his First Amended Original Petition and Request for Disclosures on June 18, 2020 wherein Plaintiff amended his pleading to limit his amount in controversy to \$72,500 in response to Defendant Silverline’s communication regarding their intent to seek removal of the case to Federal Court. Defendant Silverline filed its Original Answer on June 19, 2020, at which time there was insufficient basis to remove the case to Federal Court due to aforementioned amended Petition.

2. On or about June 23, 2021, Plaintiff filed Plaintiff's Second Amended Original Petition. Said pleading changed only the amount in controversy, increasing from \$72,500 to \$125,000.

### **Grounds for Removal**

3. Under 28 U.S.C. § 1332(a)(1), this is a civil action "between . . . citizens of different states."

4. Plaintiff Jesse Flores is an individual who resides in Harris County and is a citizen of the State of Texas. Pl. Pet. at ¶ 3.

5. Defendant Silverline Transportation, Inc. ("Silverline") is a California corporation with its principal place of business in Ontario, California . Silverline is not a citizen of the state where this action is brought. *Id.*; *see* 28 U.S.C. §§ 1332(c)(1) & 1441(b).

6. Defendant Gildardo Chavarin ("Chavarin") is a citizen and resident of Arizona.

7. Therefore, both at the time of the filing of this case and at the time of removal, there is complete diversity between plaintiff and all properly joined and served defendants because the only proper defendants in this case are citizens of different states under 28 U.S.C. § 1332(a)(1). Because there is complete diversity of citizenship of the parties to this action under 28 U.S.C. § 1332(a)(1), it is properly removable under 28 U.S.C. § 1441(b).

8. Removal is proper to this District and this Division because the Houston Division of the Southern District of Texas is the district and division within which the state court action is pending. 28 U.S.C. § 1446(a).

9. Defendant Silverline was served with Plaintiff's Original Petition and Request for Disclosure on May 27, 2020. Defendant Chavarin was purportedly served by substituted on or

about October 3, 2020 with Plaintiff's First Amended Petition, which purported a claim in controversy of \$72,500.

10. As a result of Plaintiff's Second Amended Original Petition filed on June 23, 2021, the amount in controversy in this matter now exceeds the amount of \$75,000 exclusive of interest and costs. At the time of removal, "Plaintiff individually seeks monetary relief in the amount of \$125,000.00." Pl. 2<sup>nd</sup> Amended Orig Pet. at ¶ 12.

11. Under 28 U.S.C. § 1446(d), Silverline Transportation and Chavarin is giving written notice of the removal of this civil action to all adverse parties and is filing a Notice of Filing of Notice of Removal with the District Clerk of Harris County, Texas.

12. Accordingly, because the controversy in this civil action is wholly between citizens of different states and because, based on the allegations contained in Plaintiff's Original Petition on file at the time of removal, the amount in controversy exceeds the sum of \$75,000, exclusive of costs and interest, Defendants Silverline Transportation and Chavarin may and hereby does remove this action pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

13. Based on the above, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

14. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81 of the United States District Court for the Southern District of Texas, the following documents are attached to this Notice of Removal as exhibits:

- Exhibit A: All executed process in this case;
- Exhibit B: All pleadings asserting causes of action, e.g., petitions, counterclaims, cross-actions, third-party actions, interventions and all answers to such pleadings;
- Exhibit C: All orders signed by the state judge;
- Exhibit D: State court docket sheet;
- Exhibit E: Index of matters being filed;

Exhibit F: List of all counsel of record, including addresses, telephone numbers and parties represented; and

Exhibit G: Civil Cover Sheet.

15. If any question arises as to the propriety of the removal of this action, Defendants Silverline Transportation and Chavarin requests the opportunity to present a brief with supporting documentation, if applicable, and oral argument in support of its position that this case is removable.

WHEREFORE Defendants Silverline Transportation and Chavarin respectfully removes this action from the 11<sup>th</sup> Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Respectfully submitted,

LAW OFFICES OF GABRIEL S. HENDRICKSON



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**ATTORNEY FOR DEFENDANTS  
SILVERLINE TRANSPORTATION INC  
AND GILDARDO CHAVARIN**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing has been forwarded to counsel via the CF/ECF on this 13<sup>th</sup> day of July 2021:

Thomas N. Thurlow  
THOMAS N. THURLOW & ASSOCIATES PC  
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Howard D. Hill